



EPA'S RESPONSIBLE APPLIANCE DISPOSAL PROGRAM

STATE AFFILIATE AGREEMENT

This is a voluntary partnership Agreement between the West Virginia Department of Environmental Protection (herein referred to as the "Affiliate") and the U.S. Environmental Protection Agency ("EPA") to partner in the Responsible Appliance Disposal Program (herein referred to as the "Program"). The goal of the Program is to reduce emissions of ozone-depleting substances (ODS) and greenhouse gases (GHGs) through the collection and proper disposal of refrigerated appliances. This Agreement takes effect when signed by both parties.

EPA is partnering with States to promote the proper disposal of older household appliances, namely refrigerators, freezers, window air conditioning units, and dehumidifiers, in order to prevent emissions of ODS and GHG refrigerants and foam-blowing agents. The Program is also expected to save landfill space, save energy used by older appliances, lead to the recovery of valuable materials for use in making new products (e.g., metals, plastics, glass), and prevent the release of hazardous substances—including PCBs, mercury, and used oil. The responsibilities of each Party are summarized below.

EPA'S RESPONSIBILITIES

- Serve as a technical clearinghouse on responsible appliance disposal program development and implementation.
- Calculate annual and cumulative program benefits in terms of ODS and GHG emission savings and equivalents and, as available, potential cost savings.
- All information submitted to EPA will be treated in accordance with the EPA regulations at 40 CFR Part 2, including the provisions on protecting confidential business information (CBI). For information to be treated as CBI, it must be designated as CBI at the time of submittal. EPA will protect CBI to the maximum extent of the law.

The U.S. EPA's Responsible Appliance Disposal Program is a voluntary program that helps protect the ozone layer and reduce emissions of greenhouse gases. Through the Program, States encourage the retirement of old, inefficient refrigerators, freezers, window air conditioning units, and dehumidifiers, and promote the disposal of these units using best environmental practices.

STATE AFFILIATE RESPONSIBILITIES

- Promote the RAD Program to potential Partners (e.g., utilities, retailers, local governments) within the State through information dissemination and strategic outreach. (See text box on Partner Responsibilities, below.)
- Serve as a technical clearinghouse/resource on responsible appliance disposal program development and implementation to existing, new, and potential Partners within the State.
- Provide Partner recognition for achievement through press releases, articles, and awards.
- Exchange information on Program development/implementation and best practices with Program Partners.
- Appoint a representative as Responsible Appliance Disposal Program Coordinator and notify EPA of any change in the designated liaison.
- Treat any information provided to the State in accordance with the EPA regulations at 40 CFR Part 2, including the provisions on protecting confidential business information (CBI). For information to be treated as CBI, it must be designated as CBI at the time of submittal.

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PARTNER RESPONSIBILITIES (e.g., utilities, retailers, local governments)

- Encourage the retirement of old, energy inefficient refrigerators, freezers, window air conditioning units, and dehumidifiers.
- Recycle/dispose of old refrigerated appliances in compliance with federal, state, and local laws, including: proper recovery and reclamation or destruction of refrigerants; safe disposal of hazardous waste products, including PCBs and mercury; and proper recycling of used oil.
- Implement best practices for the recovery and reclamation/destruction of all ODS/HFC insulating foam from refrigerators/freezers. RAD Partners should target a blowing agent recovery efficiency of at least 85% (i.e., at least 85% of the blowing agent contained in the unit at time of disposal should be recovered for reclamation or destruction).
- Ensure that appliance recyclers obtain certificates or invoices for the destruction and/or reclamation of refrigerant and foam/blowing agent that include: (1) the name of the customer, (2) date of destruction/reclamation, (3) means of destruction/reclamation, (4) type and amount of substance destroyed/reclaimed, (5) name of the facility that performed the destruction/reclamation, and (6) a signed statement by the facility indicating proper destruction/reclamation. Such certificates/invoices should be maintained by appliance recyclers for a minimum of three (3) years.
- Implement best practices for the recovery and recycling of all recoverable durable materials, to the extent possible.
- Report available Program information annually including: the number of appliances collected; type and quantity of refrigerants reclaimed/destroyed; type and quantity of foam blowing agent reclaimed/destroyed; weight of metals, plastics, and glass recycled; and quantity of hazardous waste products managed and used oil recovered.
- Exchange information on Program development/implementation and best practices with other Program Partners.
- Appoint a representative as Responsible Appliance Disposal Program Coordinator and notify EPA of any change in the designated liaison.

DEFINITIONS

Proper recovery and management of refrigerant: Under Section 608 of the 1990 Clean Air Act Amendments (40 CFR Part 82 Subpart F), no refrigerant may be vented during the disposal of appliances; therefore, refrigerant must be recovered at equipment end-of-life. Refrigerant must be properly recovered (per §82.156), meaning that at least 90% of the refrigerant must be recovered if the compressor is operating, and at least 80% must be recovered otherwise; alternatively, the refrigerant can be evacuated to four inches of mercury vacuum. Refrigerant must either be reclaimed by an EPA-certified reclaimer (per §82.164) for reuse, or destroyed using environmentally acceptable methods in accordance with applicable federal, state, and local environmental regulations. According to the Technology and Economic Assessment Panel (TEAP), the minimum destruction and removal efficiency (DRE) criterion for the destruction of ODS refrigerants is 99.99%, meaning that 99.99% of the ODS molecules should be removed or destroyed in a destruction unit relative to the number of molecules entering the system.

Proper recovery and management of mercury: Mercury waste, such as switches and relays, must be recovered from appliances prior to disposal or shredding, sent to a qualified recovery facility that has appropriate hazardous waste management permits, and managed in accordance with applicable federal, state, and local hazardous waste regulations (e.g., waste must be properly packaged prior to transport). The federal hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) can be found in Title 40 of the Code of Federal Regulations, Parts 260 - 279. Partners should consult the appropriate state agency to determine whether the state regulatory hazardous waste requirements differ from federal requirements.

Proper recovery and management of used oil: Any used oil recovered from refrigeration units must be managed in accordance with the federal standards outlined in 40 CFR 279 or the equivalent state regulations. Before recycling and disposal, used oil must be stored in appropriate containers in good condition and with no visible leaks. Per the RCRA used oil rebuttable presumption, refrigerants must be reclaimed from the used oil to the fullest extent possible, and the used oil can not be mixed with used oil from sources other than refrigeration units; otherwise, the used oil must be classified as a hazardous waste or it must be proven (through testing) that it does not contain significant concentrations of hazardous substances (i.e., >1,000 ppm total halogens).

Proper recovery and management of PCBs: PCBs would most likely be found in a capacitor. If the capacitor does not state "contains no PCBs" or the capacitor (or refrigerator) was manufactured before 1979, assume that the capacitor contains PCBs (see 40 CFR 761.2 (a)(4) for PCB concentration assumptions and 40 CFR 761.3 for definitions). If the capacitor contains PCBs, which are regulated for disposal, and is leaking, then disposal of the capacitor must be in accordance with 40 CFR 761.62(a) or (c). If the capacitor contains PCBs, which are regulated for disposal, and is not leaking, then disposal of the capacitor must be in accordance with 40 CFR 761.60(b)(2). Storage of PCB capacitors, which are regulated for disposal, must be for no more than one year and must be in accordance with 40 CFR 761.65.

Proper recovery and management of ODS foam blowing agent: ODS foam must be properly removed from all parts of appliances and foam blowing agent must be reclaimed or destroyed using best environmental technologies and practices. According to the TEAP, the minimum DRE criterion for the destruction of ODS foam is 95%. The shredding and landfilling of ODS foam is not considered to be an environmentally preferable method of disposal.

Proper recovery and recycling of durable goods: To the maximum extent possible, metals, plastics, and glass should be recovered from appliances and recycled for reuse.

DISCLAIMERS

- The Affiliate agrees that the activities it undertakes connected with this MOU are not intended to provide services to the federal government and that the Affiliate will not submit a claim for compensation to any federal agency/department.
- The Affiliate agrees that it will not claim or imply that its participation in the Program constitutes EPA approval or endorsement of anything other than the commitment to the Responsible Appliance Disposal Program.
- As a general principle of the Program, each party to this Agreement agrees to assume the good faith of the other, and to notify the other if any issues arise. Either party can terminate this Agreement, without cause or penalty, and both will then cease to publicize the Affiliate's participation in the Program (notification of termination must be submitted in writing). Failure to comply with this Agreement can result in termination of this Agreement.
- The parties shall act in an independent capacity and not as officers or employees or agents of each other.

DISPUTE RESOLUTION

Affiliate and EPA will assume good faith as a general principle for resolving conflicts under the Responsible Appliance Disposal program. Both parties will endeavor to resolve all matters informally.

In the event informal channels do not produce a mutually agreeable resolution to a matter in dispute, either party to this Agreement shall notify the other in writing as to the nature of the dispute, the specific corrective action sought, and their intent to terminate the Agreement, either as a whole or in part, unless specific corrective actions sought are undertaken:

- Within 20 days of receiving formal notification from the Affiliate indicating intent to terminate the Agreement (the "Terminating Party"), either as a whole or in part, the other party (the "Non-Terminating Party") will reply, agreeing to either (1) undertake in a timely and effective manner the corrective actions sought by the Terminating Party, or (2) terminate the Agreement, either as a whole or in part.
- Within 20 days of receiving formal notification from Terminating Party indicating its intent to terminate the Agreement, either as a whole or in part, the Non-Terminating Party will reply, either (1) agreeing to undertake in a timely and effective manner the corrective actions sought by Affiliate, or (2) explaining why such corrective actions cannot be undertaken.
- If the Non-Terminating Party fails to respond within 20 days of receiving formal notification of Terminating Party's intent to terminate the Agreement, either as a whole or in part, or if the Non-Terminating Party responds but does not agree to undertake corrective actions sought by the Terminating Party, or if the Non-Terminating Party agrees but does not initiate the corrective actions in a timely manner, then this Agreement shall be terminated upon the expiration of such 20 days.

The undersigned officials execute this Agreement on behalf of their Affiliates.

Authorized Company Representative: Randy C. Huffman, Cabinet Secretary

Signature: Randy C. Huffman

Date: May 13, 2010

Cindy Newberg, Chief, Alternatives and Emissions Reduction Branch, Stratospheric Protection Division, U.S. EPA

EPA Signature: C. Newberg

Date: 5/20/10

Please identify your organization's designated Responsible Appliance Disposal Program Coordinator:

Name: Gregory E. Adolfson Title: Sustainability Officer

Address: 601 57th Street, South East

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For more information about the Responsible Appliance Disposal Program contact:

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